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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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IASIS HEALTHCARE CORPORATION, a  
Delaware corporation,

Plaintiff,

v.

E.K. BAILEY CONSTRUCTION, INC., a  
Utah Corporation; RALPH L.  
WADSWORTH CONSTRUCTION  
COMPANY, INC., a Utah corporation; HKS  
ARCHITECTS, INC., a Texas corporation;  
and GREAT BASIN ENGINEERING, INC.,  
a Utah Corporation,

Defendants.

E.K. BAILEY CONSTRUCTION, INC., a  
Utah Corporation,

Third Party Plaintiff,

v.

TEGRA SALT LAKE REGIONAL  
MEDICAL CENTER, L.C., a Utah limited  
liability company,

Third Party Defendant.

**MEMORANDUM DECISION AND  
ORDER GRANTING MOTIONS  
FOR PROTECTIVE ORDER**

Case No. 2:07-cv-00638 DB

District Judge Dee Benson

Magistrate Judge David Nuffer

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E. K. Bailey Construction, Inc.; Great Basin Engineering, Inc.; and Ralph L. Wadsworth Construction Company, Inc., have moved for a protective order<sup>1</sup> against Iasis Healthcare Corporation's noticed depositions of Phylip Leslie and William Gulya, two expert witnesses first designated by Third Party Defendant Tegra Salt Lake Regional Medical Center, L.C. and later

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<sup>1</sup> [E.K. Bailey's] Motion for Protective Order, docket no. 196, filed November 16, 2009; Great Basin Engineering, Inc.'s Joinder in Motion for Protective Order by E.K. Bailey, docket no. 201, filed November 19, 2009.; and [Ralph L. Wadsworth Construction Company, Inc.,'s] Motion for Protective Order, docket no. 202, filed November 20, 2009.

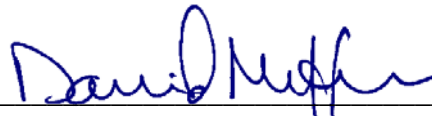
cross-designated by Iasis. The factual background is not substantially disputed and is found in the parties' memoranda.<sup>2</sup>

The motions for protective order<sup>3</sup> are GRANTED because of the late date in these proceedings and for reasons stated in Great Basin's reply memorandum:

- The Court has already denied<sup>4</sup> Iasis's' Rule 56(f) motion to permit these depositions to be taken before the pending summary judgment motions are heard;
- Those summary judgment motions may, if granted, or granted in part, eliminate the need for the depositions or for some parties to participate in them.<sup>5</sup>

Dated this 5<sup>th</sup> day of December, 2009.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

Magistrate Judge David Nuffer

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<sup>2</sup> Memorandum of Points and Authorities in Support of Motion for Protective Order, docket no. 197, filed November 16, 2009; Memorandum in Opposition to Motion for Protective Order, docket no. 206, filed November 24, 2009; Great Basin Engineering, Inc.'s Reply in Support of Motion for Protective Order (Great Basin Reply), docket no. 208, filed November 24, 2009; E.K. Bailey Construction, Inc.'s Reply Memorandum in Support of Motion for Protective Order, docket no. 211, filed November 30, 2009.

<sup>3</sup> [[E.K. Bailey's] Motion for Protective Order, docket no. 196, filed November 16, 2009; Great Basin Engineering, Inc.'s Joinder in Motion for Protective Order by E.K. Bailey, docket no. 201, filed November 19, 2009.; and [Ralph L. Wadsworth Construction Company, Inc.,']s] Motion for Protective oRder, docket no. 202, filed November 20, 2009.

<sup>4</sup> Docket no. 193, filed November 13, 2009.

<sup>5</sup> Great Basin Reply at 3.